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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,485	09/23/2003	Jesse Hummer	100204661-1	9075

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

HAMZA, FARUK

ART UNIT	PAPER NUMBER
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2155

MAIL DATE	DELIVERY MODE
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07/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/667,485

Applicant(s)

HUMMER, JESSE

Examiner

Faruk Hamza

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the application filed on September 23, 2003.

Claims 1-21 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Brendel et al. (U.S. Patent Number 5,774,660) hereinafter referred as Brendel.

Brendel teaches the invention as claimed including a multi-node server transmits world-wide-web pages to a network-based browse client. A load balancer receives all requests from clients because they use a virtual address for entire site. The load balancer makes a connection with the client and waits for the URL from the client. The connection and URL request are passed from the load balancer to a second node having the requested resource. The second node transmits the requested resource directly to the client (abstract).

As to claim 1, Brendel teaches a method for asynchronously retrieving information comprising:

invoking a process in a subscribing server (abstract, Column 6, lines 8-Column 7, lines 13, Column 9, lines 18-64);

registering, by the process, an event request with an event server (abstract, Column 6, lines 8-Column 7, lines 13, Column 9, lines 18-64);

requesting, by the process over a first connection, resource information from a originating server, the first connection being disconnected after the requesting (abstract, Column 6, lines 8-Column 7, lines 13, Column 9, lines 18-64);

receiving, by the event server over a second connection, event information from the originating server, the second connection disconnected after the receiving (abstract, Column 6, lines 8-Column 7, lines 13, Column 9, lines 18-64);
and

transferring, to the process from the event server, the event information (abstract, Column 6, lines 8-Column 7, lines 13, Column 9, lines 18-64).

Claims 5, 10,15,20 and 21 do not teach or define any new limitations other than above claim 1. Therefore, rejected for similar reasons.

As to claim 2, Brendel teaches the method of claim 1 further comprising:
listening by the process to the event server for the availability of the event
information (abstract).

Claims 6,11 and 16 do not teach or define any new limitations other than
above claim 2. Therefore, rejected for similar reasons.

As to claim 3, Brendel teaches the method of claim 1 further comprising:
categorizing an event request into an event type to aid in the processing of the
request (Column 6, lines 8-Column 7, lines 13).

Claims 7,12 and 17 do not teach or define any new limitations other than
above claim 3. Therefore, rejected for similar reasons.

As to claim 4, Brendel teaches the method of claim 1 wherein, the first and
second connections occur over remote method invocation connections (Column
9, lines 18-64).

Claims 8,13 and 18 do not teach or define any new limitations other than
above claim 4. Therefore, rejected for similar reasons.

As to claim 9, Brendel teaches the system of claim 5 further comprising:
means for assigning an identification value to the event request (Column 8, lines
36-Column 9, lines 15).

Claims 14 and 19 do not teach or define any new limitations other than above claim 9. Therefore, rejected for similar reasons.

3. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Smith (U.S. Patent Number 5,835,724) discloses system for communicating information by using internet.
 - Mori et al. (U.S. Patent Number 7,085,809) discloses data synchronization system.
 - Srivastava (U.S. Patent Number 7,088,718) discloses method for routing data from a client to through one or more load-balancing nodes.

- Schreiter (U.S. Patent Number 5,938,731) discloses exchanging data synchronization data link control frames to adjust speed of data transfer between a client and server.
- Innes (U.S. Patent Number 7,191,218) discloses database synchronization for mobile computing devices.
- Seitz (U.S. Patent Number 5,805,823) discloses system for real time asynchronous data exchange.
- Schreiber (U.S. Patent Number 7,010,606) discloses method for caching network connection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

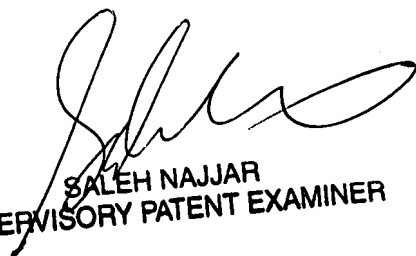
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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll -free).

Faruk Hamza

Patent Examiner

Group Art Unite 2155



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER